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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,537

10/21/2003

Minoru Taneda

031235

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23850 7590 03/22/2007  
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EXAMINER

DOAN, KIET M

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/689,537	TANEDA ET AL.	
	Examiner	Art Unit	
	Kiet Doan	2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This office action is response to Remarks file on 12/21/2006.

Claims 2-7 are amended.

#### ***Allowable Subject Matter***

1. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art record, in combination of Murray, Kubo or Frohlund system that teach the portable terminal device of the foldable type. However, they are **fails to suggest or fairly teach** wherein the front cabinet segment of the manipulation-side cabinet has a circular-arc piece projecting from the end thereof and positioned between the pair of annular pieces, and the rear cabinet segment of the manipulation-side cabinet is provided at one end thereof with a partial member joined to the circular-arc piece for forming a hollow cylinder in specific detail and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6,7 are objected as being dependent on claims 4, 5.

#### ***Response to Arguments***

2. Applicant's arguments filed 12/21/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that reference fails to disclose "the connection of the cabinet half segment to the hinge mechanism" and "when the pair of

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cabinets are closed with extraneous matter there between, no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets”

Examiner respectfully disagrees, in Murray reference teach “the connection of the cabinet half segment to the hinge mechanism” and “when the pair of cabinets are closed with extraneous matter there between, no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets” (the office pointed out the portable device of foldable type contain front cabinet half segment as 102 in Fig.3, and rear half segment as 108 in Fig.7, wherein the front half segment contain hinge mechanism 210 at the end portion which engage or connection with the rear half segment and for further making clear, clarify the hinge mechanism Kubo reference further described hinge mechanism in Fig.3(a) as illustrate in 32b, 30a, 31a, 32 that “the connection of the cabinet half segment to the hinge mechanism and further Kubo reference illustrate Fig.2 as pair of cabinets are closed and no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets).

Therefore, examiner interpreted “the connection of the cabinet half segment to the hinge mechanism” and “when the pair of cabinets are closed with extraneous matter there between, no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets” as broadest reasonable interpretation and it is proper.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray (Patent No. 6,011,699) in view of Kubo et al. (Patent No. 6,633,749).

**Claim 1.** Murray teaches a portable terminal device of the foldable type (Fig.1 and fig.2 illustrate portable terminal device of the foldable type) comprising a pair of flat cabinets openably connected to each other by a hinge mechanism, each of the cabinets comprising a front cabinet half segment to be opposed to the other cabinet when closed and a rear cabinet half segment joined to the front cabinet half segment, said front cabinet half segment being a separate piece from said rear cabinet half segment (Abstract, C4, Lines 10-14, 26-28, 36-38, 44, 63 and C5, L23-31. Fig.2, illustrate No.102 top housing wherein contain pair of flat cabinet as back portion 104 and front portion 106 as further illustrate in Fig.3 and Fig.4 showing detail of front half segment read on No.106 being separated piece said from rear cabinet half segment read on No.104 wherein connected to the hinge mechanism 210 is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets). Murray teaches the limitation of claim **but silent on** one of the pair of cabinets having the front cabinet half segment thereof connected at an end portion thereof to the hinge mechanism and having the rear cabinet half segment thereof engaged with the front

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cabinet half segment thereof, the other cabinet having the rear cabinet half segment thereof connected at an end portion thereof to the hinge mechanism and having the front cabinet half segment thereof engaged with the rear cabinet half segment thereof,

such that when the pair of cabinets are closed with extraneous matter there between, no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets.

In an analogous art, Kubo teaches "Folding mobile wireless device". Further, **Kubo teaches** one of the pair of cabinets having the front cabinet half segment thereof connected at an end portion thereof to the hinge mechanism and having the rear cabinet half segment thereof engaged with the front cabinet half segment thereof, the other cabinet having the rear cabinet half segment thereof connected at an end portion thereof to the hinge mechanism and having the front cabinet half segment thereof engaged with the rear cabinet half segment thereof,

such that when the pair of cabinets are closed with extraneous matter there between, no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets (Abstract, C1, L51-62, C2, L18-33, C3, L42-54, Examiner consider pair of cabinet which read on No.10 and No.20 wherein connected end portion to the hinge mechanism No.30 and further Fig.2 Illustrate as read on pair of cabinets are closed and no clearance is created in the joint between the front cabinet half segment and rear cabinet half segment of either of the pair of cabinets).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Murray and Kubo system, such that a portable terminal device of the foldable type having a pair of flat cabinets each of the cabinets comprising a front half segment and rear half segment wherein connected through hinge to provide means for forming strength connection of half segment portion.

Consider **claim 2**. Kudo teaches a portable terminal device of the foldable type according to claim 1 wherein one of the pair of flat cabinets is a manipulation-side cabinet provided with a plurality of manual keys (Fig.1a, Illustrate No. 24 as cabinet provided with a plurality of manual keys), and the other cabinet is a display-side cabinet provided with a display, the front cabinet segment of the manipulation-side cabinet and the rear cabinet segment of the display-side cabinet being connected to each other by the hinge mechanism (Fig.1a, Illustrate No.14 as the other cabinet is a display-side wherein the rear cabinet segment of the display-side cabinet being connected to each other by the hinge mechanism No.30).

Consider **claim 3**. Kubo teaches a portable terminal device of the foldable type according to claim 1 wherein the front cabinet segment of the manipulation-side cabinet is provided with a pair of annular pieces projecting from one end thereof and spaced apart from each other, and the rear cabinet segment of the display-side cabinet is provided with a pair of annular pieces projecting from one end thereof and spaced apart from each other, the annular piece of the manipulation-side cabinet and the annular

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piece of the display-side cabinet being arranged side by side in contact with each other and have fitted therein a first hinge unit, the other annular piece of the manipulation-side cabinet and the other annular piece of the display-side cabinet being arranged side by side in contact with each other and have fitted therein a second hinge unit. (Fig.1a, Illustrate as pair of annular pieces wherein spaced apart from each other and contact with each other and have fitted therein a first/second hinge unit as read on No.32).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet Doan  
Patent Examiner



JOSEPH FEILD  
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